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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARK A. ARTHUR, et al.,

11 Plaintiffs,

12 v.

13 SALLIE MAE, INC.,

14 Defendant.

CASE NO. C10-0198JLR

ORDER

15 This matter comes before the court on Plaintiffs Mark Arthur, Cirilo Martinez,
16 Heather McCue, and Pari Najafi's ("Plaintiffs") and Defendant Sallie Mae, Inc.'s ("Sallie
17 Mae") joint motion (Dkt. # 196) for relief from the deadline to oppose Intervenor Judith
18 Harper's motion for class certification (Dkt. # 191). Ms. Harper has not filed a response
19 to the joint motion. For the reasons explained below, the court STRIKES Ms. Harper's
20 motion for class certification (Dkt. # 191) with leave to re-file if and when she
21 successfully obtains relief from the stay that is currently in place in this action, and
22 therefore DENIES the joint motion (Dkt. # 196) as MOOT.

1 On September 17, 2010, the court granted preliminary approval of a class action
2 settlement reached by Ms. Arthur, Mr. Martinez, Mr. Najafi, and Sallie Mae.
3 (Preliminary Approval Order (Dkt. # 39).) This order also stayed and barred other
4 proceedings as follows:

5 All proceedings in this Action are stayed until further order of the Court,
6 except as may be necessary to implement the terms of the settlement.
7 Pending final determination of whether the settlement should be approved,
8 Plaintiffs, all persons in the Settlement Class and persons purporting to act
9 on their behalf are enjoined from commencing or prosecuting (either
10 directly, representatively or in any other capacity) against any of the
11 Released Parties any action, arbitration or proceeding in any court,
12 arbitration forum or tribunal asserting any of the Released Claims.

13 (Preliminary Approval Order ¶ 13.) On August 18, 2011, the court issued an order
14 clarifying for the parties that the stay remained in effect. (Order Denying Ms. Harper's
15 Motion for Clarification (Dkt. # 173) at 2.)

16 On October 26, 2011, Ms. Harper filed a motion for class certification, seeking to
17 certify a subclass of individuals who on or after December 27, 2006 received a robocall
18 from an affiliate or subsidiary of Sallie Mae. (Class Cert. Mot. (Dkt. # 191).) Prior to
19 filing this motion, Ms. Harper did not seek relief from the stay.

20 On November 3, 2011, Plaintiffs and Defendant filed a joint motion for relief from
21 the deadline to oppose Ms. Harper's motion for class certification under Federal Rule of
22 Civil Procedure 6(b)(1)(A) on the grounds that she filed her motion in violation of the
stay. (Mot. (Dkt. # 196) at 3.)

In light of the fact that Ms. Harper has not obtained relief from the stay in this
case, the court STRIKES her motion for class certification (Dkt. # 196). If and when she

1 obtains such relief, she may re-file her motion. Accordingly, the court DENIES the joint
2 motion as MOOT (Dkt. # 196).

3 Dated this 14th day of November, 2011.

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JAMES L. ROBART
United States District Judge